

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE CORPORATION
EMPLOYEE 401(k) RETIREMENT PLAN
Plaintiff/Counterclaim Defendant

v.

DOES 1 through 20, inclusive
Defendants

v.

DAVID M. KORNACKI, as Administrator of the
Estate of Kevin P. Kornacki;
Defendant/Cross Claim Plaintiff/
Counterclaim Plaintiff/Third Party Plaintiff

v.

MABEL TAVARES, an individual formerly known as
MABEL D. KORNACKI;
Defendant/Cross Claim Defendant

v.

JDS UNIPHASE CORPORATION EMPLOYEE
401(k) RETIREMENT PLAN
Third Party Defendant

Civil Action No. 05-11499-MAP

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties hereby voluntarily stipulate to the dismissal of the above-captioned action, in its entirety, with prejudice, each party to bear its own costs, with all rights of appeal waived.

Respectfully submitted,

Plaintiff/Counterclaim Defendant,

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE CORPORATION
EMPLOYEE 401(k) RETIREMENT PLAN

and

Third Party Defendant,

JDS UNIPHASE CORPORATION EMPLOYEE
401(k) RETIREMENT PLAN

By their Attorneys,

/s/ M. Ray Hartman

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Defendant/Cross Claim Plaintiff/Counterclaim
Plaintiff/Third Party Plaintiff,

DAVID M. KORNACKI

By his Attorneys,

/s/ Katherine R. Parsons

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Defendant/Cross Claim Defendant,

MABEL TAVARES

By her Attorneys,

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CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 21st day of March 2006.

/s/ Katherine R. Parsons